

146. (New) The system of claim 145, wherein the plurality of data structures includes a data subject data structure, a data recipient data structure, a data subject transaction log, and a data recipient transaction log.

147. (New) The system of claim 140, further comprising an encrypted communication link between the data repository, the data recipient computer, and the data subject network communication device.

148. (New) The system of claim 140, further comprising a direct communication link between the data repository and the data recipient computer. --

REMARKS

The Office Action mailed March 8, 2002 has been carefully reviewed and the foregoing amendments and following remarks are made in response thereto. Claims 51-128 are canceled without prejudice to the underlying subject matter. Claim 1 is amended to more clearly recite the features of the present invention and not for reasons relating to patentability. Claims 129-148 are added. Thus, claims 1-50 and 129-148 are pending in the present application.

Claims 1, 2 and 8-128 are rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 5,890,140 to Clark et al. ("Clark"), and claims 3-5 and 6-7 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Clark. Claims 73-128 are rejected as conflicting with claims 64 and 102 of U.S. Patent No. 6,092,053 under 37 C.F.R. § 1.78(b).

In view of the foregoing amendments and following remarks, the Applicants submit that claims 1-50, as well as new claims 129-148, are allowable over the cited art, and respectfully request that the Examiner reconsider and withdraw the pending § 102 and § 103 rejections.

The Claims Are Allowable Over the Cited Art

Clark is directed to a system for delivering financial services to different geographical locations and time zones, and includes a global interface device (GID) 10, one or more customer facilities (CF) 12, a global telecommunications network (GTN) 13, and a plurality of on-line transaction processors (OLTP) 14. See, e.g., Abstract; FIG. 1; Col. 3, lines 5-14; Col. 4, lines 50-60; Col. 29, lines 2-30. The Applicants respectfully submit that Clark fails to disclose several features of the claimed invention.

For example, claim 1 as amended recites, in pertinent part, a "data recipient computer having web server software for hosting a web page." The Examiner cites to the Abstract and FIG. 1 to support the § 102 rejection. See, Office Action at Page 3. However, the Applicants submit that Clark is entirely silent on whether his system includes a "computer having web server software for hosting a web page," as recited by claim 1. Moreover, Clark fails to teach or suggest the use of any protocols associated with web server software, such as, e.g., HTTP, HTML, XML, WML, etc. Rather, Clark discloses a "specially developed software package" which includes various software applications, none of which include the use of web page hosting software. See, e.g., Col. 18, lines 22–34; FIGS. 15, 17, 20, 23, 24, 28, etc.

Claim 1 as amended also recites, in pertinent part, "at least one data recipient computer having client software ... the client software includes instructions for forwarding a data recipient's offer to the at least one data repository via the gateway computer, the second network, and the NCD software." The Examiner cites to FIG. 15, Col. 20, lines 65–67, Col. 21, lines 1–60 and Col. 14, lines 14–21 to support the § 102 rejection. See, Office Action at Page 3. The Applicants respectfully disagree. Clark fails to teach or suggest the claimed "at least one data recipient computer having client software." Rather, Clark discloses that his electronic delivery system operates under a specially developed software package installed on a user workstation, and not on a data recipient computer. See, e.g., Col. 18, lines 22–64. Furthermore, Clark fails to teach or suggest the claimed "data recipient's offer." Moreover, Clark is entirely silent on whether "the client software includes instructions for forwarding a data recipient's offer to the at least one data repository via the gateway computer, the second network, and the NCD software," as claimed. See, e.g., Application at Page 9 line 18 to Page 10 line 1, etc.

Consequently, claim 1 as amended is allowable over the cited art. Claims 2–50, depending from claim 1, are also allowable at least for the reasons discussed above. Accordingly, the Applicants respectfully request that the Examiner reconsider and withdraw the pending § 102 and § 103 rejections.

CONCLUSION


In view of the amendments and remarks submitted above, the Applicants respectfully submit that the present case is in condition for allowance. A notice to that effect would be greatly appreciated.

The Examiner is invited to contact the undersigned at (202) 220-4294 to discuss any matter concerning this application.

The Office is authorized to charge any additional fees or credit any overpayments under 37 C.F.R. 1.16 or 1.17 to Deposit Account No. 11-0600.

Respectfully submitted,

KENYON & KENYON


Adam M. Treiber (Reg. No. 48,000)

June 10, 2002

1500 K Street, N.W.
Washington, D.C. 20005
(202) 220-4200 (phone)
(202) 220-4201 (fax)

12307/100130 DC:408867v1

**Marked-Up Version of the Amended Claims
Pursuant to 37 C.F.R. § 1.121(c)**

1. (Amended) A system for data recipient invoked electronic transactions, comprising:

a first network;

a second network; [and]

at least one data recipient computer associated with at least one data recipient and connected to the first network, [wherein] the at least one data recipient computer [further comprises] having web server software for hosting a web page and [for executing] client software for allowing the at least one data recipient to send and receive information over the first network; [and]

at least one gateway computer connected to the first network and [a] the second network, [wherein] the at least one gateway computer [further comprise] having gateway software for allowing the file exchange between the first and second networks; [and]

at least one data subject network communication device (NCD) associated with the at least one data subject and connected to the second network, [wherein] the at least one data subject NCD [further comprises NCD] having software for accessing, and communicating with, [over the second network to] the gateway computer [and] to send and receive information over the first network;

at least one data repository connected to [the at least one gateway computer and to the at least one data recipient computer via] the first network, [wherein] the at least one data repository [further comprises] having data repository software[,] including instructions for gathering information to complete a transaction; and

[wherein] the client software [further comprises] includes instructions for forwarding a data recipient's offer to the at least one data repository via the gateway computer, the second network, and the NCD software [and the data repository software further comprises instructions for gathering information to complete a transaction].